IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.118 OF 2007

Dhondiram S. Bhalavane. ..Petitioner.
Vs.
Maruti A. Karvekar and ors. ..Respondents.

Mr.S.S.Patwardhan for the Petitioner.

CORAM : B.H.MARLAPALLE,J.
DATE : 23rd October, 2007.

P.C.

1. Heard Mr. Patwardhan, the learned counsel for the petitioner who has filed Criminal Complaint No.14 of 2000 for the offences punishable under Section-199, 202, 415, 420, 467, 468, 471, 323, 504, 506, 466, 467, 418, 441 and 120B of the I.P.C. against the 11-accused. After charge-sheet was filed, the accused Nos. 2,4 and 6 made applications at Exh.s 68, 64 and 65 respectively for discharge under Section 239 of the Criminal Procedure Code and all these applications were came to be rejected by the Trial Court on 19.10.2004.

2. The accused Nos. 4 and 6 approached the Sessions Court by Criminal Revision Application No.459 of 2004 and the learned 2nd Ad-hoc Additional Sessions Judge at Kolhapur was pleased to allow the revision application by his judgment and order dated 11.12.2006 and the

accused Nos. 4 and 6 came to be discharged. Hence, this petition.

3. The Revisional Court recorded the findings by considering the four reasons namely a) that the accused Nos. 4 and 6 were performing statutory functions under the Maharashtra Land Revenue Code, 1966 and any error committed by them could be challenged by way of appeal or revision and therefore, their acts could not be alleged as fraudulent acts. b) that it was the complainant himself who had furnished details in his application 24.7.1996 and the enquiry was made on the said application, and c) he has approached with the complaint belatedly after almost 4 years and d) even otherwise accused Nos. 4 and 6 being the public servants, the trial court could not have framed charge unless the compliance of Section 197 of the Cr.P.C. was done.

4. Having heard Mr. Patwardhan at length I could not find any of the reasons set out by the learned Additional Sessions Judge to be perverse or grossly erroneous calling for interference under the supervisory powers of this court. The accused Nos. 4 and 6 have been rightly discharged by the Sessions Court. Hence, the petition is rejected summarily.

(B.H.MARLAPALLE, J.)